

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:06CV473

MARIANO S. OSPINA, )  
                        )  
Plaintiff,           )  
                        )  
vs.                   )                   ORDER  
                        )  
INDYMAC BANK,       )  
                        )  
Defendant.           )  
                        )  
\_\_\_\_\_

This matter is before the court upon the Plaintiff's "Emergency Motion for an Injunction." It appears that the Plaintiff seeks to have the court stay further action in his bankruptcy case pending the Fourth Circuit's decision on his appeal in this case. The Fourth Circuit mandate actually came down the day Plaintiff filed his motion. Accordingly, his motion is now moot.

IT IS THEREFORE ORDERED that Plaintiff's motion is hereby denied as moot.

Signed: March 20, 2009



Graham C. Mullen  
United States District Judge

